

JUDGE RAKOFF

11 CIV 7384

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Jacob Moseson,

Plaintiff,

-against-

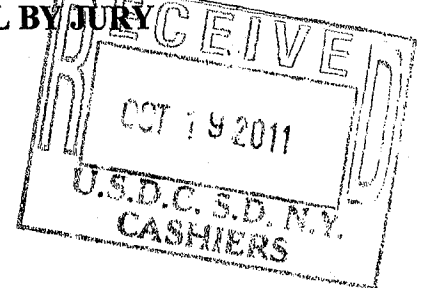
NCO Financial Systems, Inc.,

Defendant.

Civil Action No.:

ECF CASE - JSR

COMPLAINT AND DEMAND  
FOR TRIAL BY JURY



Plaintiff Jacob Moseson ("Plaintiff" or "Moseson"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant NCO Financial Systems ("Defendant" or "NCO"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, County of Queens, residing at 769 Empire Avenue, Far Rockaway, New York 11691.
3. Defendant is a collection firm with a principal place of business at 507 Prudential Road, Horsham, Pennsylvania 19044, and, upon information and belief, is authorized to do business in the State of New York.

4. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").
9. On or about September 8, 2011, Defendant placed a telephone call to Plaintiff, and left a message for Plaintiff on Plaintiff's answering machine.
10. Said message stated that the caller was NCO, a debt collector, and that the call was an attempt to collect a debt. Said message did not state a name for whom the call was intended.
11. Said message was left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play same. Said message was heard by Plaintiff's roommate.
12. Plaintiff's roommate called Defendant and gave the reference number that was left in the message. Defendant stated to Plaintiff's roommate that the message was for Jacob Moseson.

13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.
14. Said actions by Defendant violated 15 U.S.C. § 1692b(2), which prohibits communicating to a third party, stating that a consumer owes a debt.
15. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.
17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692b(2).
18. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Jacob Moseson, on his behalf, demands judgment against the Defendant NCO Financial Systems, Inc., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(a)(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. A declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursement of this action, as this Court may deem just and proper.

Dated: New York, New York  
September 20, 2011

Respectfully submitted,

By:   
Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES  
Attorneys at Law  
Attorneys for Plaintiff  
30 East 29<sup>th</sup> Street  
New York, New York 10016  
(212) 796-6053